

DAVIS POLK & WARDWELL LLP  
450 Lexington Avenue  
New York, New York 10017  
Telephone: (212) 450-4000  
Facsimile: (212) 701-5800  
Elliot Moskowitz  
Chase McReynolds

*Attorneys for Yoel Goldman*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re

WYTHE BERRY FEE OWNER LLC,  
  
Debtor.

Chapter 11

Case No. 22-11340 (MG)

**DESIGNATION OF RECORD AND STATEMENT OF ISSUES  
TO BE PRESENTED ON APPEAL**

Appellant Yoel Goldman, by and through his counsel and pursuant to Federal Rule of Bankruptcy Procedure 8009, hereby designates the record and issues presented on appeal to the United States District Court for the Southern District of New York from the Memorandum Opinion and Order Authorizing Debtor to Comply with Restraining Notice (ECF No. 430, the “Order”) of the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”).<sup>1</sup>

**ISSUES PRESENTED ON APPEAL**

1. Whether the Bankruptcy Court erred by holding that a restraining notice served on the Debtor by a third party seeking to restrain funds in the Debtor’s bank account was not a violation of the automatic stay set forth in 11 U.S.C. § 362 because the Debtor intended to pay those funds to a creditor.
2. Whether the Bankruptcy Court erred by declining to hold that the aforementioned restraining notice did not violate the Bankruptcy Court’s Settlement Order, Plan

---

<sup>1</sup> Unless otherwise defined herein, all capitalized terms shall have the same meaning ascribed to them in the Order.

Confirmation Order, and/or so-ordered Stipulation (each as defined below), each of which required the payment to be made by the Debtor to Goldman (or as otherwise directed by Goldman).

Goldman reserves the right to seek leave to amend or supplement these issues in his opening brief.

**DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD OF APPEAL**

1. Amended and Restated Settlement Agreement [ECF No. 341];
2. Fourth Amended Chapter 11 Plan of Reorganization of Wythe Berry Fee Owner LLC [ECF No. 364];
3. Memorandum Opinion and Order Approving the Settlement With Zelig Weiss (the “Settlement Order”) [ECF No. 369];
4. Bankruptcy Court’s Memorandum Opinion Approving the Disclosure Statement and Confirming the Fourth Amended Chapter 11 Plan of Reorganization of Wythe Berry Fee Owner LLC (the “Plan Confirmation Order”) [ECF No. 370];
5. Findings of Fact, Conclusions of Law, and Order Approving the Disclosure Statement and Confirming the Fourth Amended Chapter 11 Plan of Reorganization of Wythe Berry Fee Owner LLC [ECF No. 371];
6. Stipulation Regarding Amended and Restated Settlement Agreement (the “Stipulation”)[ECF No. 373];
7. Goldman Conference Request Letter [ECF No. 400];
8. Debtor Statement [ECF No. 402];
9. Goldman Letter Brief [ECF No. 406];
10. Chetrit Letter Brief [ECF No. 407];
11. Goldman *Robinson* Brief [ECF No. 410];
12. Chetrit *Robinson* Brief [ECF No. 411];
13. The Order [ECF No. 430];
14. Letter from Elliot Moskowitz to Chief Judge Glenn regarding the Order [ECF No. 431];

15. Order Requiring Responses [ECF No. 435];
16. Letter by Michael Friedman on behalf of Assaf Ravid [ECF No. 436];
17. Letter by Douglas Segal on behalf of Meyer Chetrit [ECF No. 438];
18. Yoel Goldman Notice of Appeal [ECF No. 440];
19. Civil Cover Sheet [ECF No. 441]; and
20. Order of U.S. District Court Judge Dale E. Ho on 8/20/2024 [ECF No. 442].

Dated: New York, New York  
August 28, 2024

By: /s/ Elliot Moskowitz

Elliot Moskowitz  
Chase McReynolds

DAVIS POLK & WARDWELL LLP  
450 Lexington Avenue  
New York, New York 10017  
(212) 450-4000

*Attorneys for Yoel Goldman*